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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DENNIS FLORER,

12 Plaintiff,

13 v.

14 KENNEY, L.L. FIGUEROA, *et al.*,

15 Defendants.

CASE NO. C11-5047 RJB

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

16 This matter comes before the Court on the Report and Recommendation of the Honorable
17 Karen L. Strombom, United States Magistrate Judge, dated June 20, 2011 (Dkt. 72), and
18 Plaintiff's Objections to the Report and Recommendation, dated June 28, 2011 (Dkt. 74). The
19 Court has considered the Report and Recommendation, Plaintiff's objections, and the remaining
20 record, and hereby adopts the Amended Report and Recommendation for the reasons stated
21 herein.

22 The Magistrate Judge recommends that Plaintiff's motion for immediate injunctive relief
23 for medical care evaluation be denied. The Magistrate Judge found that Plaintiff had failed to
24 demonstrate that irreparable injury is likely in the absence of injunctive relief. Plaintiff did not

1 establish that a failure to treat his condition could lead to further injury or the unnecessary and
2 wanton infliction of pain. Plaintiff also failed to show some likelihood that the medical care
3 provided was constitutionally inadequate.

4 Plaintiff's objections contend that the Magistrate Judge ignored or discredited the record
5 evidence. The Court is not persuaded by Plaintiff's argument. While Plaintiff may be
6 dissatisfied with the refusal to order an MRI, he has failed to submit any evidence that the
7 decisions made by Defendants were medically unsound, let alone a manifestation of deliberate
8 indifference to his medical needs. Differences in judgment between an inmate and prison
9 medical personnel regarding appropriate medical diagnosis and treatment are not enough to
10 establish a deliberate indifference claim. See *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989);
11 *Broughton v. Cutter Lab.*, 622 F.2d 458, 460 (9th Cir. 1980).

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
13 L. Strombom, objections to the Report and Recommendation, and the remaining record, does
14 hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation;
16 (2) Plaintiff's motion for preliminary injunction (Dkt. 52) is **DENIED**;
17 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
18 Defendants, and to the Hon. Karen L. Strombom.

19 Dated this 18th day of July, 2011.

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22 ROBERT J. BRYAN
23 United States District Judge
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